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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, ESTABLISHING A CODE OF ETHICS AND CONDUCT FOR ELECTED OFFICIALS AND MEMBERS OF APPOINTED BOARDS, COMMISSIONS AND COMMITTEES, AND REPEALING RESOLUTION NO. 22461.

WHEREAS, on November 2, 2004, Measure DD was approved by the voters of the City of Riverside, thereby adding Section 202 to the Riverside City Charter; and

WHEREAS, the City Council desires to further amend the Code of Ethics and Conduct.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Riverside that the following shall be the Code of Ethics and Conduct for all elected officials and members of appointed boards, commissions, and committees for the City of Riverside.

I

PREAMBLE

The people of the City of Riverside, at an election held on November 2, 2004, approved an amendment to the City Charter of the City of Riverside which states: “The City of Riverside shall adopt a Code of Ethics and Conduct for elected officials and members of appointed boards, commissions, and committees which shall assure public confidence in the integrity of local government and its effective and fair operation.” To assure public confidence in and ensure effective and fair operation of the local government of the City of Riverside the following Code of Ethics and Conduct is hereby adopted by the City of Riverside.

II

CODE PROVISIONS

A. Purpose

The purpose of this code is to achieve fair, ethical, and accountable local government for the City of Riverside. The people of Riverside expect public officials, both elected and appointed, to comply with both the letter and the spirit of the laws of the State of California, the United States of America and the Charter, Municipal Code, and established policies of the City of Riverside affecting the operations of local government. In addition, public officials are

1 expected to comply with the provisions of this Code of Ethics and Conduct established pursuant
2 to the expressed will of the people. All persons covered by this code will aspire to meet the
3 highest ethical standards in the conduct of their responsibility as an elected or appointed official
4 of the City of Riverside.

5 The code of ethics is divided into two areas: core values, as set forth in subsection (C) of
6 this section, and specific prohibitions, as set forth in subsection (D) of this section. The core
7 values are intended to provide a set of principles from which elected and appointed officials of
8 the City of Riverside can draw upon to assist them in conducting the public's business. As such,
9 the core values are directory in nature and not subject to the complaint procedures set forth in
10 section III herein. The specific prohibitions are actions that elected and appointed officials of the
11 City of Riverside shall not engage in, and, as such, are subject to the complaint procedures set
12 forth in section III herein.

13 B. Scope

14 The provisions of this Code of Ethics and Conduct shall apply to the Mayor and members
15 of the City Council, and to all members of the boards, commissions, and committees appointed
16 by the City Council or the Mayor or the Mayor and City Council, including any *ad hoc*
17 committees. The provisions of this code shall also apply to all members of committees
18 appointed by individual members of the City Council or by Department Heads.

19 Further, the provisions of this code shall apply to the Mayor and Members of the City
20 Council at all times during their term of office as elected officials of the City of Riverside.
21 However, the provisions of this code shall apply to the appointed officials only while they are
22 acting in their official capacities and in the discharge of their duties.

23 C. Core Values

24 The people of the City of Riverside share a set of core values that constitute the guiding
25 principles for the establishment of this code. These core values are expressed in the following
26 aspirations:

27 (1) To strive to create a government that is trusted by everyone. The elected and
28 appointed officials of the City of Riverside shall aspire to operate the City government and

1 exercise their responsibilities in a manner which creates a trust in their decisions and the manner
2 of delivery of programs through the local government. The officials shall aspire to create a
3 transparent decision making process by providing easy access to all public information about
4 actual or potential conflicts between their private interests and their public responsibilities. The
5 officials shall aspire to make themselves available to the people of the city to hear and
6 understand their concerns. They shall aspire to make every effort to ensure that they have
7 accurate information to guide their decisions and to share all public information with the
8 community to ensure the community's understanding of the basis of the officials' decisions.

9 (2) To strive to make decisions that are unbiased, fair, and honest. The elected and
10 appointed officials of the City of Riverside shall aspire to ensure that their decisions are
11 unbiased, fair, and honest. They shall strive to avoid participation in all decisions which create a
12 real or perceived conflict of interest and to disclose any personal interest that would be perceived
13 to be in conflict with the fair and impartial exercise of their responsibilities.

14 (3) To strive to ensure that everyone is treated with respect and in a just and fair
15 manner. The elected and appointed officials of the City of Riverside have a responsibility to
16 make extraordinary attempts to treat all people in a manner which would be considered just and
17 fair. They shall strive to value and encourage input from members of the community and
18 encourage open and free discussion of public issues. They shall strive to have all persons treated
19 with respect as they come before the body on which they serve. They shall aspire to create an
20 atmosphere of genuine interest in the point of view expressed by members of the community
21 even if it differs from their own.

22 (4) To strive to create a community that affirms the value of diversity. The elected and
23 appointed officials of the City of Riverside shall aspire to recognize and affirm the value of all
24 persons, families, and communities within the City of Riverside. They will encourage full
25 participation of all persons and groups, be aware and observe important celebrations and events
26 which reflect the values of our diverse population, and provide assistance for those who find it
27 difficult to participate due to language barriers or disabilities.

28 (5) To strive to ensure that all public decisions are well informed, independent, and in

1 the best interests of the City of Riverside. The elected and appointed officials of the City of
2 Riverside will encourage and support research and information gathering from verifiable sources.
3 They will seek to ensure that information provided by the City Government to the public is
4 accurate and clear. They will ensure that all information utilized in the decision making process,
5 except that which by law is confidential, will be shared with the public.

6 (6) To strive to maintain a nonpartisan and civic minded local government. The elected
7 and appointed officials of the City of Riverside shall affirm the value of a nonpartisan council-
8 manager form of government.

9 (7) To strive to ensure that all officials are adequately prepared for the duties of their
10 office. The elected and appointed officials shall commit to participation in all orientation and
11 training sessions which are presented to ensure full preparation for the exercise of their public
12 duties.

13 (8) To strive to ensure that members of appointed boards, commissions, and committees
14 make a diligent effort to attend all regularly scheduled meetings of their board, commission, or
15 committee.

16 (9) To strive to ensure that elected and appointed officials abide by all local, state and
17 federal laws. The elected and appointed officials of the City of Riverside shall comply with the
18 Charter, Municipal Code, and established policies of the City of Riverside affecting the
19 operations of local government, as well as all state and federal laws pertaining to the office to
20 which they are elected or appointed.

21 Based upon these core values, it is the City of Riverside's intent to establish through this
22 Code of Ethics and Conduct, a level of reasonable expectations of behavior for elected and
23 appointed public officials.

24 D.

25 Prohibited Conduct

26 The following conduct is prohibited and shall be deemed unethical for any elected or
27 appointed official to engage in one or more of the following prohibited actions:

28 (1) Use of Official Title or Position for Personal Gain Prohibited.

1 Personal gain includes, but is not limited to, situations wherein an elected or appointed
2 official of the City of Riverside solicits or accepts items of value in consideration of their official
3 title or position. This does not include obtaining benefits that are otherwise permitted or
4 authorized by law. Therefore, acceptance of gifts shall otherwise be consistent with the
5 requirements and limitations allowable by law. Elected and appointment officials shall refrain
6 from the following: (a) accepting gifts or favors that may compromise independent judgment or
7 give the appearance of compromised judgment; (b) using official title for matters other than the
8 official conduct of the office; and (c) engaging in decisions which would affect the level of
9 compensation received for service except as otherwise required or allowed by law.

10 (2) Use or Divulgence of Confidential or Privileged Information Prohibited.

11 Elected or appointed officials shall not use or divulge confidential or privileged
12 information obtained in the course of their official duties for their own personal gain, financial or
13 otherwise, or for the gain of others, in a manner contrary to the public interest or in violation of
14 any law.

15 (3) Use of City Resources for Non-City Purposes Prohibited.

16 Elected or appointed officials shall not use or permit the use of City resources including,
17 but not limited to, funds, seals or logos, time, personnel, supplies, equipment, identification
18 cards/badges, or facilities for unapproved non-City activities, except when available to the
19 general public, provided for by administrative rules, regulations, or policies, or approved by a
20 majority of the City Council.

21 (4) Advocacy of Private Interests of Third Parties Prohibited in Certain
22 Circumstances.

23 No elected official shall appear on behalf of the private interests of third parties before
24 the City Council; nor shall any appointed official appear before their own bodies on behalf of the
25 private interests of third parties, except for limited exceptions as provided for in the California
26 Fair Political Practices Commission Regulations.

27 (5) Advocacy for Compensation by Appointed Officials in Certain Matters Prohibited
28 for Twelve Months After Leaving Office.

1 For a period of 12 months after leaving office, appointed officials are prohibited from
2 acting as an agent or attorney for, or otherwise represent, any third party for compensation by
3 making oral or written communication before any City administrative office or agency, or officer
4 or employee thereof, if the appearance or communication is for the purpose of influencing any
5 action or proceeding involving the issuance, amendment, awarding, or revocation of a permit,
6 license, grant, or contract for the sale or purchase of goods or property, real or personal.

7 (6) Advocacy for Compensation by Elected Officials in Certain Matters Prohibited
8 for Twelve Months after Leaving Office.

9 For a period of 12 months after leaving office, elected officials are prohibited from
10 appearing before the City Council, or any City board, commission, or committee as a
11 compensated representative of a third party in connection with any case or other matter in which
12 the former elected official personally participated while in office, except by permission of the
13 City Council finding on 4 affirmative votes at a regular meeting that special identified and
14 articulated circumstances exist to allow the appearance. Such special and articulated findings
15 include, but are not limited to, determinations that it is in the best interest of the City to permit
16 such representation, that the former Councilmember or Mayor is uniquely qualified to appear on
17 the matter, or it is impractical to require another representative to appear on the matter.

18 (7) Endorsements for Compensation Prohibited.

19 No elected or appointed official shall endorse or recommend, for compensation, any
20 commercial product or service in the name of the City or in the elected or appointed official's
21 official capacity within the jurisdictional boundaries of the City without prior approval of a City
22 Council policy.

23 (8) Violation of Government Code Sections 87100 et seq., Prohibited.

24 No elected or appointed official shall violate Government Code Sections 87100, et seq.,
25 or any of its related or successor statutes, from time to time amended, regulating financial
26 interests and governmental decisions made by public officials. If an ethics complaint is filed
27 alleging a violation of this subsection, the City recognizes that the Fair Political Practices
28 Commission (FPPC) is the primary enforcement authority of the Political Reform Act and that its

1 decisions should be given great weight. As such, if a complaint is filed concurrently with an
2 FPPC complaint, then the City may defer action on such allegation until completion of the FPPC
3 action. If a complaint is not filed concurrently with the FPPC, the City may file a complaint with
4 the FPPC and defer action until a final action by the FPPC. A ruling on the merits by the FPPC
5 may be accepted by the City as a finding on the ethics complaint filed with the City.

6 (9) Certain Political Activity Prohibited.

7 No elected or appointed official shall coerce any of their subordinates or any other City
8 employee to participate in a election campaign, contribute to a candidate or political committee,
9 engage in any other political activity relating to a particular party, candidate, or issue, or to
10 refrain from engaging in any lawful political activity. A general statement encouraging another
11 person to vote does not violate this provision.

12 (10) Display of Campaign Materials in or on City Vehicles Prohibited.

13 No elected or appointed official shall display campaign materials in any City-owned
14 vehicle under their control or operated by that official. Campaign materials include, but are not
15 limited to, bumper stickers, signs, or other similar items.

16 (11) Aiding and Abetting Another Elected or Appointed Official in Violating This
17 Code of Ethics Prohibited.

18 No elected or appointed official shall aid and abet another elected or appointed official in
19 violating the specific prohibitions enumerated in this subsection, nor shall they aid and abet any
20 person to engage in conduct that would constitute a violation of the specific prohibitions
21 enumerated in this subsection on their behalf.

22 (12) Negotiation for Employment with Any Party Having a Matter Pending Prohibited.

23 No elected or appointed official shall negotiate for employment with any third party at
24 the same time that third party has a matter pending before the City Council, or any board,
25 commission, committee, or City department and upon which the elected or appointed official
26 must act or make a recommendation.

27 (13) Ex Parte Contact in Quasi-Judicial Matters prohibited.

28 No appointed official shall contact any elected official on any matter of a quasi-judicial

1 nature before the City Council in which the appointed official participated.

2 (14) Attempts to Coerce Official Duties Prohibited.

3 No elected official shall coerce, or attempt to coerce, any appointed official in the
4 performance of their official duties.

5 **III**

6 **IMPLEMENTATION OF THE CODE**

7 A. Monitoring and Oversight

8 Monitoring and oversight are essential to ensure this Code of Ethics and Conduct is
9 effectively implemented. The objectives of this implementation effort shall include:

10 All persons covered by this code must be aware of its provisions.

11 All persons covered by this code shall have resources available to clarify expectations in
12 situations where they feel a potential area of noncompliance may exist.

13 All bodies covered by the code shall adopt rules of procedure which include the
14 provisions of this code.

15 Annual review shall be conducted to ensure the code is being applied in a fair and
16 effective manner.

17 Annual review shall be conducted by the City Council at a regular meeting.

18 B. Implementation

19 To achieve the objectives of this section, the following mechanisms should be utilized.

20 1. All elected or appointed officials, upon election or reelection, or appointment or
21 reappointment, shall be given a copy of the code and required to affirm in writing they have
22 received the code and understand its provisions. (See Attachment A).

23 2. Within ninety (90) days of taking office, all newly elected or appointed officials shall
24 be provided a training session which shall clarify the provisions and application of the code.
25 These sessions shall be coordinated by the City Manager, City Attorney and City Clerk through
26 the Mayor's Office.

27 3. The City Attorney, or his or her designee, shall serve as a resource person to those
28 persons covered by the code to assist them in determination of appropriate actions consistent

1 with the code.

2 4. Complaints alleging a violation of section II, subsection (D) shall be submitted on the
3 complaint form available from the City Clerk.

4 5. Complaints shall be filed with the City Clerk within 180 days of discovery of an
5 alleged violation of section II, subsection (D) of this Code of Ethics and Conduct, but in no event
6 shall the complaint be filed later than three (3) years from the date of the alleged violation.
7 ("Discovery" is defined as when the complainant knew or reasonably should have known of the
8 alleged violation through the exercise of reasonable diligence.)

9 Upon receipt of the complaint form, the City Clerk will review the submittal for
10 completeness only. Any issue of timeliness will be resolved by the adjudicating body, and, if
11 there is an appeal, by the City Council. Once the filing is deemed complete, the City Clerk will
12 schedule a hearing before the adjudicating body as soon as practicable and notify both parties.
13 For complaints against members of boards, commissions and committees, the City Clerk will
14 forward the matter to the appropriate board, commission or committee chair for informal
15 resolution if so requested by the complainant. If the matter is not resolved, or if the complainant
16 did not request to seek an informal resolution, the City Clerk will schedule the complaint for a
17 hearing before the adjudicating body as soon as practicable and notify both parties.

18 The adjudicating body shall consist of five members and one alternate chosen from the
19 chairpersons of the City's boards and commissions selected by lot by the City Clerk. No
20 chairperson shall serve who is from the same ward as the elected official to which the complaint
21 concerns. The City Clerk will notify both parties of the hearing date, place and time at least
22 fourteen (14) days in advance of the hearing. The adjudicating body shall hear all timely filed
23 complaints and attempt to resolve each complaint on its merits.

24 Following the hearing, the City Clerk will notify both parties, in writing, of the
25 adjudicating body's decision and the appeal process. The decision of the adjudicating body may
26 be appealed by either party by submitting such appeal in writing to the City Clerk within seven
27 (7) days of the adjudicating body's decision. If no appeal is received within seven (7) days, the
28 matter is concluded. If appealed within seven (7) days, the City Clerk will schedule the appeal

1 before the City Council and notify both parties at least fourteen (14) days in advance of the
2 hearing.

3 The record on appeal will consist of a transcript of the hearing before the adjudicating
4 body as well as all documentary evidence submitted at the hearing. No new evidence will be
5 considered. The City Council will review the record and will disturb the adjudicating body's
6 decision only upon a showing of clear error or abuse of discretion.

7 The City Clerk will notify both parties in writing of the City Council's findings and
8 determination. The determination of the City Council is final and there is no further right to
9 appeal. The hearing and appeal process shall be concluded if at all possible, within ninety (90)
10 days of the complaint being determined to be complete. Complaints and any supporting
11 documentation shall be retained for a period of at least two (2) years.

12 5. The chair of each body covered by this code is responsible to intervene and provide
13 appropriate guidance to members and, if need be, communicate concerns to the City Council.

14 6. In September of each year, the Mayor, the City Manager, the City Attorney and the
15 chairs of all Boards and Commissions shall meet with the Governmental Affairs Committee of
16 the City Council to assess the effectiveness of this code and its application. They shall present a
17 report to the City Council which may include recommendations for the inclusion of new values
18 or procedures. Prior to the annual Governmental Affairs Committee meeting, every Board and
19 Commission is encouraged to agendize and discuss the Code and submit any recommendations
20 for the Committee's consideration.

21 7. In September of each year, the City Council shall hold a public hearing on its
22 evening agenda at a regularly scheduled meeting, and shall review the report and make an
23 independent evaluation of the effectiveness of the Code of Ethics and Conduct.

24 B. Enforcement and Sanctions

25 It is the intention that this code be self enforcing. However, it is recognized that there
26 may be instances where even after receiving guidance and counsel, a person may continue to
27 violate the Code's provisions. In those cases sanctions would apply and would occur in a public
28 meeting.

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(1) Mayor - City Council

The sanctions that would apply by action of the City Council would be:

(a) Public censure of a member.

The ultimate sanction of removal from office would lie in the hands of the electorate.

(2) Boards, Commissions and Committees

(a) Public censure by the Board, Commission, or Committee.

(b) Public censure by the Mayor and City Council.

(c) Removal from office by the Mayor and City Council.

Ultimately, the responsibility for the enforcement of this Code of Ethics and Conduct lies with the Mayor and City Council as they represent the will of the people of the City of Riverside.

//

BE IT FURTHER RESOLVED that Resolution No. 22461 is hereby repealed.

ADOPTED by the City Council this ____ day of

William R. Bailey
Mayor of the City of Riverside

Attest:

Colleen J. Nicol
City Clerk of the City of Riverside

I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the foregoing resolution was duly and regularly adopted at a meeting of the City Council of said City at its meeting held on the ____ day of by the following vote, to wit:

Ayes:

Noes:

Absent:

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Abstain:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of
the City of Riverside, California, this _____ day of .

City Clerk of the City of Riverside

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